



September 1, 2004 BZA

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0328

Shirley J. and Steven H. Neely

Bermuda Magisterial District
3001 Cogbill Road

REQUEST: A two (2) foot Variance to the four (4) foot height limitation for a fence in the front and corner side yard in a Residential (R-7) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.
- B. The applicants have provided no information that there are such unusual circumstances about this property that adherence to the required fence height limitations would cause undue hardship.

GENERAL INFORMATION

Location:

This property is known as 3001 Cogbill Road. Tax ID 788-688-0080 (Sheet 12).

Existing Zoning:

R-7

Size:

.456 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-7; Residential and vacant
South - R-7; Residential
East - R-7; Residential
West - R-7; Residential and vacant

Utilities:

Public water and sewer

General Plan:

(Jefferson Davis Corridor Plan)

Residential
(2.51 – 4 units per acre)

DISCUSSION

The applicants have indicated there is a six (6) foot fence in the front and corner side yards. The Zoning Ordinance limits the fence height to four (4) feet in the front and corner side yards. Therefore, the applicants request a two (2) foot Variance.

The applicants provide the following justification in support of this request:

We just moved in the house in May 2004. All the money we had went into buying this house. A family was keeping our dog until we could get a fence put up. We have had Otis since he was five (5) weeks old and he is three (3) years old now. Otis is a boxer and can jump a four (4) foot fence. I had to put the fence on a charge card. If we have to take it down, we will not be able to replace it until the other one is paid for. We also have a grandchild that lives with us and we worry about him running out in the road.

Planning Department staff visited the site in response to a complaint. Staff's inspection revealed that the applicants were in violation of the Zoning Ordinance by erecting a fence six (6) feet in height in the front and corner side yard. This request is in response to staff's investigation.

The applicants have not provided any information, as required by the Zoning Ordinance, which would serve as a basis for the granting of this Variance. Staff believes that this request does not

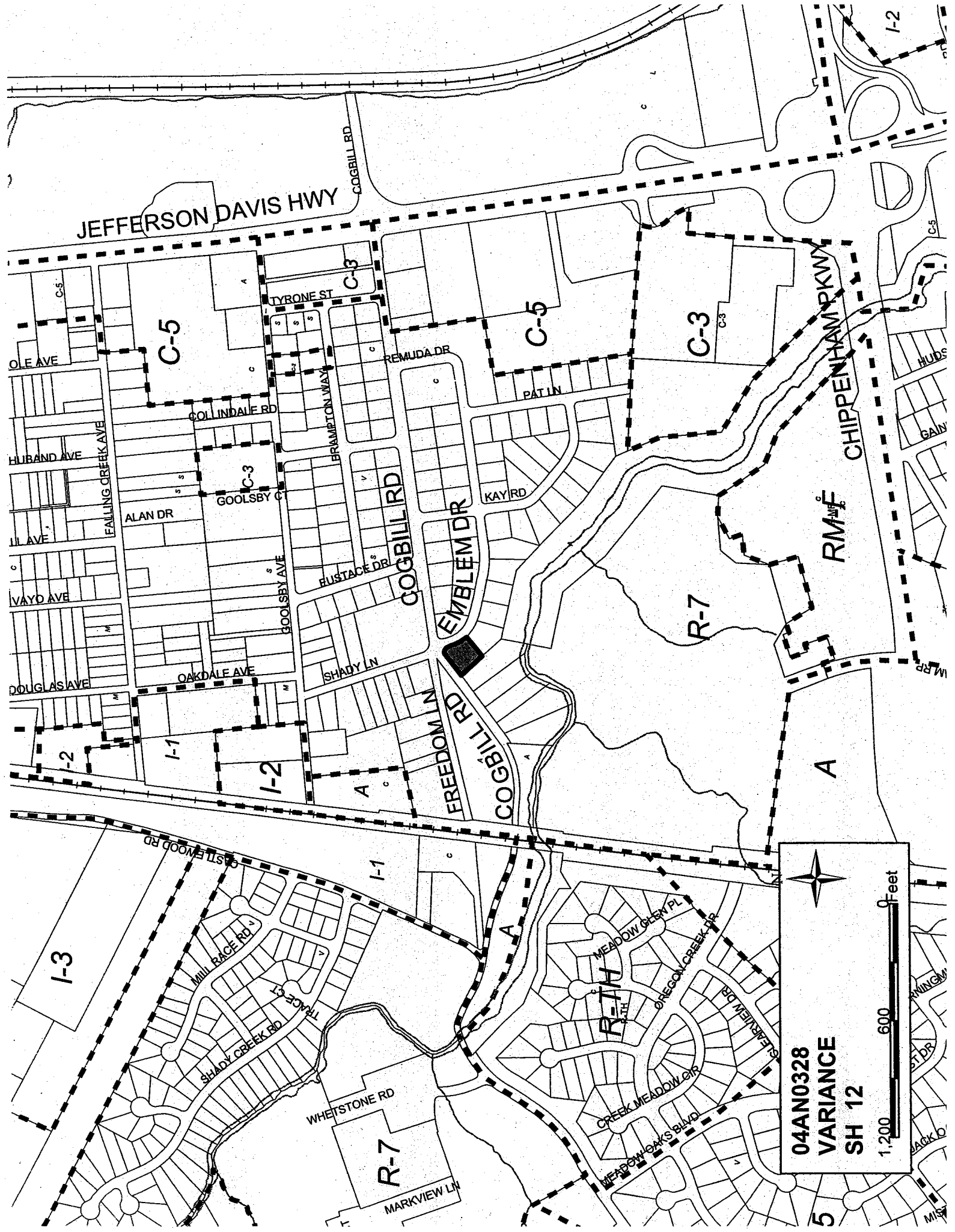
meet the test for Variances as specified in (Section 19-21 (b)) of the Chesterfield County Zoning Ordinance.


Staff finds no conditions upon which this request is based which are unique to the subject property and do not apply generally to other properties in the immediate area. Therefore, staff cannot support this Variance request.


However, if the Board feels that this request has merit, staff recommends that the request be subject to the following condition:

CONDITION

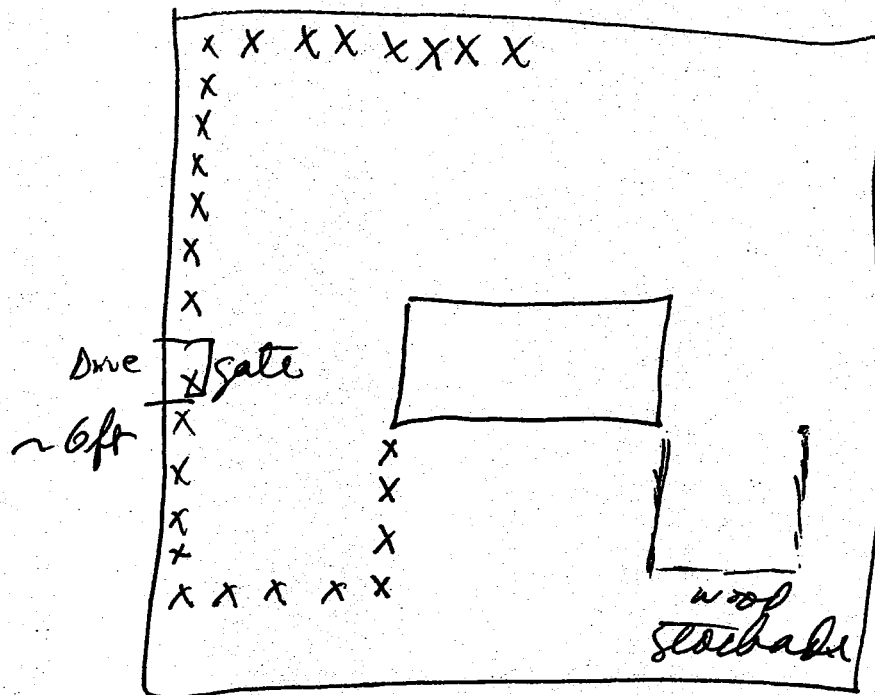
This Variance shall be for the existing fence only and no other additional fence shall be added.




04AN0328
VARIANCE
SH 12


1,200 600 0 Feet

slopes from rear to front



5 ft lower-chain path

